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HOUSE BILL 2037
By McMillan

AN ACT to amend Tennessee Code Annotated, Title 71,
relative to public assistance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-3-158, is amended by deleting subsection (d)(2) in its entirety and by substituting instead the following new language:

(d)(2)(i) If waivers which are necessary to implement any or all of the provisions of §§ 71-3-151—71-3-165, chapter 3, parts 9 and 10 and chapter 5, part 12 of this title cannot be obtained, or in those counties for which the continued operation of the existing welfare program may be required by the federal authorities for the evaluation of any waivers granted by the federal government, the department shall continue to administer, pursuant to the requirements of federal statutes and regulations, the federally funded programs of economic or welfare assistance to families and children under Titles IV-A and D of the Social Security Act as they may continue to exist on or after September 1, 1996, until such time as such

programs may be terminated or modified by the Congress of the United States, the United States Department of Health and Human Services or its successor, or the general assembly.

(ii) If at anytime:

(I) The Congress of the United States terminates or modifies the Title IV-A Block grant program for federally funded economic or welfare assistance to families and children to the states (Temporary Assistance to Needy Families as provided Public Law 104-193 (1996), as amended); or

(II) The Congress of the United States, or the United States Department of Health and Human Services or its successor terminates, or modifies, Tennessee's Section 1115 waiver obtained pursuant to subdivision (1) on July 26, 1996 that resulted in the creation of the Families First program; or

(III) In the future, action by Congress, or by the United States Department of Health and Human Services or its successor, terminates or modifies any subsequent federally funded economic or welfare assistance program or any waiver that may be obtained for the operation of such a program for families and children, or a waiver that may be obtained for a welfare program demonstration project;

then, in that circumstance, the department shall continue to administer, pursuant to the requirements of federal statutes and regulations existing at that time or subsequently enacted, the programs of economic or welfare assistance to families and children under Titles IV-A and D of the Social Security Act as they may continue to exist on or after the date of such termination or modification or until the granting of a new waiver, and the provisions of 71-3-151—71-3-165, chapter 3, parts 9 and 10 and chapter 5, part 12 of this title shall be superseded to the extent:

(a) those provisions are inconsistent with any federal requirements for which no waiver exists, or

(b) No further federal funding is available, unless the general assembly specifically authorizes and funds the continuation of such provisions which do not otherwise conflict with federal law, regulation or waiver requirements.

(iii) The termination or modification of any federally funded programs for the economic assistance to families and children shall not result in any entitlement to funding by the state of Tennessee for such programs pursuant to the provisions of §§ 71-3-151—71-3-165, chapter 3, parts, 9 and 10 and chapter 5, part 12 of this title, or otherwise, unless appropriations are made in the appropriations act specifically for such purpose.

(iv) Notwithstanding any law to the contrary, the department shall have authority to implement any rules, by public necessity rule, that are necessary to:

(a) Maintain compliance with such terminations or modifications; or

(b) Maintain federal funding; or

(c) Comply with any federal regulation that has not been waived; or

(d) Comply with any waiver requirements;

provided, however, that the department shall promulgate permanent rules pursuant to a rulemaking hearing as required by §§ 4-5-201, et seq.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.